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59

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,238	07/12/2000	Guy Stone	Dkt.#622	1849

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EXAMINER

PHAN, TAM T

ART UNIT PAPER NUMBER

2144

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,238

Applicant(s)

STONE ET AL.

Examiner

Tam (Jenny) Phan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/28/2005 has been entered. Claims 1-4, 9, 11-14, and 19 are currently amended. Claims 7 and 17 are cancelled.

2. Claims 1-6, 8-16, and 18-20 are presented for examination.

Priority

3. No priority claims have been made.

4. The effective filing date of the claimed invention is July 12, 2000.

Specification

5. The use of the trademark **JAVA**TM has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2144

7. Claims 1 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 11 recite a method/system which allows **unlimited** users to chat with each other, it is submitted that the specification did not describe how the method and system of the instant application would be able to support unlimited users. Since all existing computing systems have finite resources, it is not possible for any method/system to be able to support an unlimited number of users. Thus, for examining purposes, "unlimited users" shall read "multiple users".

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2, 4, 12, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claims 2 and 12 recites the limitation "the page" in line 2, "the chatter list" and "the Server" in line 3, and "the byte-array" in line 4. There is insufficient antecedent basis for this limitation in the claim.

11. Claims 4 and 14 recites the limitation "the chatroom screen" in line 3, "the number of webcam images" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tang et al. (U.S. Patent Number 5,793,395), hereinafter referred to as Tang.

14. Regarding claim 1, Tang disclosed a method which allows multiple users to chat with each other (Figure 5, column 3 lines 20-25) while displaying live webcam images in uniform size of more than one selected user (Figure 5 sign 14, Figure 10 sign 121, column 3 lines 39-46, column 5 lines 29-32) within an internet chatroom environment (Figure 10 signs 123, 133, column 2 lines 29-41, column 9 lines 26-36, column 11 lines 37-40).

15. Regarding claim 11, the system corresponds directly to the method of claim 1, and thus is rejected using the same rationale.

16. Since all the limitations of the claimed invention were disclosed by Tang, claims 1 and 11 are rejected.

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2144

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1-2, 4-6, 8-9, 11-12, 14-16, and 18-19 are rejected under 35

U.S.C. 102(b) as being anticipated by Ludwig et al. (U.S. Patent Number 5,854,893), hereinafter referred to as Ludwig.

19. Regarding claim 1, Ludwig disclosed a method which allows multiple users to chat with each other (Figures 8A-8C, column 6 lines 11-21) while displaying live webcam images in uniform size of more than one selected user (Figures 8A-8C, Figures 31B-31C, Figure 18A sign 500, column 24 lines 21-36) within an internet chatroom environment (Figure 4, column 3 lines 36-46, column 8 lines 16-26).

20. Regarding claim 2, Ludwig disclosed a method in which the webcam images are displayed at the top of the page by retrieving the chatter list from the Server (Figures 2A, 8C, Figures 31B-31C), preparing the image by connecting to Server via TCP (Figures 31B-31C, column 8 lines 16-26, column 20 lines 18-26), and reading the byte-array for each image (column 6 lines 54-64, column 9 lines 24-27, column 29 lines 55-59).

21. Regarding claim 4, Ludwig disclosed a method in which the webcam images are automatically assigned a position on the chatroom screen by calculating screen "real-estate" (size of the window) based on the number of webcam images displayed and the size of each webcam image (Figures 8A-8C, Figures 38-40, column 13 lines 19-55, column 37 lines 47-51).

22. Regarding claim 5, Ludwig disclosed a method in which chatroom users can select the webcam images they want to view while they are chatting (Figures 8A-8C, column 19 lines 11-23, column 24 lines 16-36, column 24 line 61-column 25 line 3).
23. Regarding claim 6, Ludwig disclosed a method in which each user is given a list of other online users from which they can select webcam images to view (Figures 8A-8C, column 19 lines 11-23, column 24 lines 16-36, column 24 line 61-column 25 line 3).
24. Regarding claim 8, Ludwig disclosed a method in which each image is associated with an individual user (Figures 8A-8C, 38-40).
25. Regarding claim 9, Ludwig disclosed a method in which users who do not have a webcam will have a symbolic logo appear in place of their image or a static photo (Figure 22).
26. Regarding claims 11-12, 14-16, and 18-19, the system corresponds directly to the method of claims 1-2, 4-6, and 8-9, and thus these claims are rejected using the same rationale.
27. Since all the limitations of the claimed invention were disclosed by Ludwig, claims 1-2, 4-6, 8-9, 11-12, 14-16, and 18-19 are rejected.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2144

29. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (U.S. Patent Number 5,854,893), hereinafter referred to as Ludwig, in view of Moore et al. (U.S. Patent Number 6,310,601), hereinafter referred to as Moore.

30. Regarding claim 3, Ludwig disclosed a method which allows multiple users to chat with each other (Figures 8A-8C, column 6 lines 11-21) while displaying live webcam images in uniform size of more than one selected user (Figures 8A-8C, Figures 31B-31C, Figure 18A sign 500, column 24 lines 21-36) within an internet chatroom environment (Figure 4, column 3 lines 36-46, column 8 lines 16-26).

31. Ludwig taught the invention substantially as claimed. However, Ludwig did not expressly teach a method in which the displayed webcam images have a uniform size by using **JAVA**'s built-in image scaling method to calculate scaled height and scaled width.

32. Ludwig suggested exploration of art and/or provided a reason to modify the method with additional features such as the image scaling feature (column 41 lines 35-40, Figures 8A-8C, column 37 lines 40-51) to scale the video image to fit appropriate in the display frame.

33. Moore disclosed a method in which the displayed webcam images have a uniform size by using image scaling method to calculate scaled height and scaled width using JAVA programming languages (Note: In JAVA, well-known built-in function public image getScaledInstance (int width, int height, int hints) returns a scaled version of the image) (column 1 lines 52-60, column 2 lines 37-41, lines 44-55, column 3 lines 20-31, column 7 lines 12-18)

34. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Ludwig with the teachings of Moore to include the image scaling feature in order to scale the image to a smaller size and/or scaled and uniformed image to a variety of Web browser, regardless of the hardware resources available (Moore, column 2 lines 56-60, column 2 lines 37-41).

35. Regarding claim 13, the system corresponds directly to the method of claim 3, and thus is rejected using the same rationale.

36. Since all the limitations of the claimed invention were disclosed by the combination of Ludwig and Moore, claims 3 and 13 are rejected.

37. Claims 5-6, 8-10, 15-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang (U.S. Patent Number 5,793,395) as applied above and further in view of the invention's background.

38. Regarding claim 5, Tang disclosed a method which allows multiple users to chat with each other (Figure 5, column 3 lines 20-25) while displaying live webcam images in uniform size of more than one selected user (Figure 5 sign 14, Figure 10 sign 121, column 3 lines 39-46, column 5 lines 29-32) within an internet chatroom environment (Figure 10 signs 123, 133, column 2 lines 29-41, column 9 lines 26-36, column 11 lines 37-40). Tang taught the invention substantially as claimed, however, Tang did not expressly disclose a method in which chatroom users can select the webcam images they want to view while they are chatting.

39. Tang suggested exploration of art and/or provided a reason to modify the method to include a step where users can select the webcam images they want to view while they are chatting (column 2 lines 37-41, column 3 lines 41-46, column 8 lines 3-10).

40. The background of the instant invention disclosed a method to show video [image] of a particular chatter in which a chatroom users want to view (Background page 2 lines 23-24). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to allow chatroom users to select the webcam images of the other chatters in order to have a more visual and more personal chatting experience.

41. Regarding claim 6, the background of the instant application disclosed a method in which each user is given a list of other online users from which they can select webcam images to view (Background page 2 lines 12-18, lines 23-24)

42. Regarding claim 8, Tang disclosed a method of in which each image is associated with an individual user (Figure 5).

43. Regarding claim 9, Tang disclosed a method in which users who do not have a webcam will have a symbolic logo appear in place of their image or a static photo (Column 5 lines 32-37).

44. Regarding claim 10, the background of the instant application disclosed a method in which image of each chatter is updated at a predefined time interval (Background page 1 lines 27-33). The symbolic logo is the image of the chatter when live image of him/her is not available and therefore will be updated at a predefined time interval in the same fashion as his/her live image.

Art Unit: 2144

45. Regarding claims 15-16 and 18-20, the system corresponds directly to the method of claims 5-6 and 8-10, and thus these claims are rejected using the same rationale.

46. Since all the limitations of the claimed invention were disclosed by the combination of Tang and background of the invention, claims 5-6, 8-10, 15-16, and 18-20 are rejected.

Response to Arguments

47. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

48. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

Conclusion

49. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2144

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William Cuchlinski

SPE

Art Unit 2144

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tp
March 15, 2005